

# **EXHIBIT 6**

## MUNGER, TOLLES &amp; OLSON LLP

RONALD L. OLSON  
ROBERT E. DENHAM  
JEFFREY I. WEINBERGER  
CARY B. LERMAN  
GREGORY P. STONE  
BRAD D. BRIAN  
BRADLEY S. PHILLIPS  
GEORGE M. GARVEY  
WILLIAM D. TEMKO  
STEPHEN M. KRISTOVICH  
JOHN W. SPIEGEL  
DONALD B. VERRILLI, JR.\*  
TERRY E. SANCHEZ  
STEVEN M. PERRY  
MARK B. HELM  
JOSEPH D. LEE  
MICHAEL E. SOLOFF  
GREGORY D. PHILLIPS  
KATHLEEN M. M'DOWELL  
GLENN D. POMERANTZ  
THOMAS B. WALPER  
SANDRA A. SEVILLE-JONES  
HENRY WEISSMANN  
KEVIN S. ALLRED  
JEFFREY A. HEINTZ  
JUDITH T. KITANO  
JEROME C. ROTH  
GARTH T. VINCENT  
TED DANE  
STUART N. SENATOR  
MARTIN D. BERN  
DANIEL P. COLLINS  
ROBERT L. DELL ANGELO  
BRUCE A. ABBOTT  
JONATHAN E. ALTMAN  
MARY ANN TODD  
KELLY M. KLAUS  
DAVID B. GOLDMAN  
DAVID H. FRY  
LISA J. DEMSKY  
MALCOLM A. HEINICKE  
GREGORY J. WEINGART  
TAMERLIN J. GODLEY  
JAMES C. RUTTEN  
RICHARD ST. JOHN

ROHIT K. SINGLA  
LUIS LI  
MICHAEL B. DESANCTIS\*  
CAROLYN HOECKER LUEDTKE  
C. DAVID LEE  
MARK H. KIM  
FRED A. ROWLEY, JR.  
KATHERINE M. FORSTER  
BLANCA FROMM YOUNG  
RANDALL G. SOMMER  
ROSEMARIE T. RING  
TODD J. ROSEN  
MELINDA EADES LEMOINE  
SETH GOLDMAN  
GRANT A. DAVIS-DENNY  
JONATHAN H. BLAVIN  
DANIEL B. LEVIN  
MIRIAM KIM  
MISTY M. SANFORD  
MILYN J. CHEN  
BETHANY W. KRISTOVICH  
JACOB S. KREILKAMP  
JEFFREY Y. WU  
LAURA D. SMOLOWE  
ANJAN CHOUDHURY  
KYLE W. MACH  
HEATHER E. TAKAHASHI  
ERIN J. COX  
BENJAMIN J. HORWICH  
E. MARTIN ESTRADA  
MATTHEW A. MACDONALD  
BRYAN H. HECKENLIVELY  
SAMUEL T. GREENBERG  
ELAINE J. GOLDENBERG\*  
MARK R. YOHAELEM  
CHAD GOLDER\*  
GINGER D. ANDERS\*  
MARGARET G. MARASCHINO  
JOHN M. GILDERSLEEVE  
ADAM B. WEISS  
KIMBERLY A. CHI  
ADAM R. LAWTON  
JESLYN A. EVERITT  
MARK R. SAYSON  
JEREMY A. LAWRENCE  
CHRISTOPHER M. LYNCH  
ADAM I. KAPLAN  
KENNETH M. TRUJILLO-JAMISON  
LAURA K. LIN  
GREGORY M. SERGI  
ACHYUT J. PHADKE  
MARI OVERBECK  
SARAH L. GRAHAM  
ZACHARY M. BRIERS

560 MISSION STREET  
SAN FRANCISCO, CALIFORNIA 94105-3089  
TELEPHONE (415) 512-4000  
FACSIMILE (415) 512-4077

350 SOUTH GRAND AVENUE  
FIFTIETH FLOOR  
LOS ANGELES, CALIFORNIA 90071-3426  
TELEPHONE (213) 683-9100  
FACSIMILE (213) 687-3702

1155 F STREET N.W.  
SEVENTH FLOOR  
WASHINGTON, D.C. 20004-1361  
TELEPHONE (202) 220-1100  
FACSIMILE (202) 220-2300

January 24, 2018

JENNIFER M. BRODER  
EMILY B. VIOLITTA  
KEVIN L. BRADY  
ELLEN MEDLIN RICHMOND  
JORDAN D. SEGALL  
WESLEY T.L. BURRELL  
CHRISTA L. CULVER  
KAREN A. LORANG  
KURUVILLA J. OLASA  
JUSTIN P. RAPHAEL  
CRAIG A. LAVOIE  
ELIA HERRERA  
THOMAS P. CLANCY  
JOSHUA PATASHNIK  
JOSHUA S. MELTZER  
ROSE LEDA EHLE  
AMY L. GREYWITT  
CATHLEEN H. HARTGE  
MARIA JHAI  
ADAM P. BARRY  
JENNIFER L. BRYANT  
JUSTIN T. HELLMAN  
ANDREW CATH RUBENSTEIN  
JEFFREY A. PAYNE  
HANNAH L. DUBINA  
ADAM GOTTESFELD  
NICHOLAS D. FRAM  
JOHN L. SCHWAB  
SARA N. TAYLOR  
ALEXANDER D. TEREPKA  
SAMUEL T. BOYD  
PETER E. BOOS  
ANKUR MANDHANIA  
J'ME K. FORREST  
ASHLEY D. KAPLAN  
JESSICA REICH BARIL  
JULIANA M. YEE  
JEREMY K. BEECHER  
MATTHEW K. DONOHUE  
ALLYSON R. BENNETT  
ARIEL C. GREEN  
ELIZABETH A. LAUGHTON  
EMILY CURRAN-HUBERTY  
TIMOTHY J. MOON  
JORDAN X. NAVARETTE  
JOHN B. MAJOR  
LAUREN C. BARNETT  
NICHOLAS R. SIDNEY

C. HUNTER HAYES  
KIMBERLY D. OMENS  
AARON D. PENNEKAMP  
TREVOR N. TEMPLETON  
STEPHEN T. MAYER  
SKYLAR D. BROOKS  
ELIZABETH R. AYRAL  
ELIZABETH A. KIM  
SUSAN S. HAR  
THOMAS RUBINSKY  
NICHOLAS DUFAU  
LAURA M. LOPEZ  
MICHAEL C. BAKER  
NAJEE K. THORNTON  
SARAH G. BOYCE\*  
MOLLY K. PRIEDEMAN  
BENJAMIN WOODSIDE SCHRIER  
WILLIAM LARSEN  
CELIA R. CHOY\*  
ADELE M. EL-KHOURI\*  
A.J. GARCIA  
COLIN A. DEVINE  
DANE P. SHIKMAN  
LEXI PEACOCK  
MAGGIE THOMPSON  
SAMUEL H. ALLEN  
ALLISON M. DAY  
MARKUS A. BRAZILL  
GIOVANNI S. SAARMAN GONZALEZ  
JONATHAN S. MELTZER\*  
SAMUEL JOSE DIAZ  
LAUREN M. HARDING  
NEFTI D. ACOSTA  
STEPHANIE G. HERRERA  
TERESA A. REED  
GRANT R. ARNOW  
DANIEL BENYAMIN  
SARA A. MCDERMOTT  
J. MAX ROSEN  
M. ELIZA HANEY  
OF COUNSEL  
ROBERT K. JOHNSON  
ALAN V. FRIEDMAN  
PATRICK J. CAFFERTY, JR.  
PETER A. DETRE  
ALLISON B. STEIN  
BRAD SCHNEIDER  
ERIC P. TUTTLE  
PETER E. GRATZINGER  
JENNY H. HONG  
E. LEROY TOLLES  
(1922-2008)

\*ADMITTED IN DC, ALL OTHERS ADMITTED IN CA

Writer's Direct Contact  
(415) 512-4011  
(415) 644-6911 FAX  
jonathan.blavin@mto.com

## VIA EMAIL ONLY

Thomas V. Christopher  
Law Offices of Thomas V. Christopher  
555 California Street, Suite 4925  
San Francisco, California 94104  
thomas@thomaschristopherlaw.com

Re: 3taps' Unauthorized Access to And Scraping of LinkedIn's Servers

Dear Mr. Christopher:

I represent LinkedIn Corporation ("LinkedIn"). This letter responds to your letter on behalf of 3taps, Inc. ("3taps") dated January 16, 2018, in which you stated that 3taps intended to commence scraping data from LinkedIn's servers in the "coming weeks."

To be clear, in light of 3taps' intention to scrape data from LinkedIn, any further access by 3taps to the LinkedIn website and LinkedIn's servers is without LinkedIn's or its members' authorization. 3taps and its principal, Greg Kidd, are well aware of LinkedIn's longstanding prohibition on scraping, found in Section 8.2 of LinkedIn's User Agreement (<https://www.linkedin.com/legal/user-agreement>). 3taps agreed to this User Agreement when it created its company page and Mr. Kidd likewise agreed to it when he became a LinkedIn

MUNGER, TOLLES &amp; OLSON LLP

Thomas V. Christopher  
 January 24, 2018  
 Page 2

member. 3taps has publicly stated that it has “full respect for copyright, anti-hacking, and contract law,”<sup>1</sup> and LinkedIn hopes 3taps will abide by its public statements.

The legal basis upon which you state 3taps intends to begin scraping LinkedIn is misplaced and currently under review. As you know, LinkedIn has appealed Judge Chen’s decision in *hiQ Labs, Inc. v. LinkedIn Corp.* to the Ninth Circuit (No. 17-16783). As part of that appeal, LinkedIn has asked that the Ninth Circuit consider whether Judge Chen’s interpretation of the Computer Fraud and Abuse Act, 18 U.S.C. § 1030 (“CFAA”), was correct. As you also know, Judge Chen’s decision directly conflicts with Judge Breyer’s decision in *Craigslist Inc. v. 3Taps Inc.*, 964 F. Supp. 2d 1178 (N.D. Cal. 2013), which rejected 3taps’s arguments and held that website operators could invoke the CFAA to prohibit bad actors from visiting their publicly-available websites. While LinkedIn does not intend to consider legal action with respect to 3taps’s January 16, 2018 letter until the Ninth Circuit renders its decision, we want to be clear that 3taps has no authorization to access the LinkedIn website and LinkedIn’s servers.

Further, your interpretation of the Ninth Circuit’s recent decision in *Oracle USA, Inc. v. Rimini St., Inc.*, No. 16-16832, 2018 WL 315568, -- F.3d -- (9th Cir. Jan. 8, 2018) is incorrect. First, that case only concerned California Penal Code § 502 and Nev. Rev. Stat. § 205.4765(1). As the Ninth Circuit has explicitly noted, § 502 and the CFAA “are different,” as the “CFAA criminalizes unauthorized *access*, not subsequent unauthorized *use*” of data, like § 502. *United States v. Christensen*, 828 F.3d 763, 789 (9th Cir. 2015). Moreover, as *Rimini Street* held, the “key to the state statutes” there was “whether Rimini was authorized in the first instance to take and use the information that it downloaded.” 2018 WL 315568, at \*10. Because Rimini “had such authorization, at least at the time it took the data in the first instance, [it] did not violate the state statutes.” *Id.* By contrast here, 3taps does not have and has never had permission to scrape LinkedIn’s servers and extract its data *en masse*, must circumvent LinkedIn’s technical protection measures to do so, and unquestionably going forward is not “authorized in the first instance” to access and scrape LinkedIn’s servers. *Id.*

Sincerely,

/s/ Jonathan H. Blavin  
 Jonathan H. Blavin

---

<sup>1</sup> “The What and the Why of It: 3Taps’ Dispute with Craigslist,”  
[http://3taps.com/images/pics/430\\_The%20What%20and%20the%20Why%20202.0.pdf](http://3taps.com/images/pics/430_The%20What%20and%20the%20Why%20202.0.pdf).